

REMARKS

Reconsideration and allowance are respectfully requested. Claims 1-26 have been cancelled and rewritten as new claims 27-61 for the sake of clarity. The new claims have been written to comport with the Examiner's recommendations and to effect typographical and stylistic changes. Claims 48-61 have been added.

Except for claims 50-61, the new claims are the same as the old claims with the minor changes in claim language to ensure (1) that applicants' claims particularly point out and distinctly claim the subject matter of their invention, (2) that the terms have proper antecedent basis, and (3) to employ the definite article "the" instead of "said" . The new claims are fully supported by the application as follows:

New Claims	Correspondence to old claims	Support in specification (for claims 45-61 which were not in claims as filed)
27	1	
28	2	
29	3	
30	4	
31	5	
32	6	
33	6	
34	7	
35	8	
36	9	
37	10	
38	11	
39	12	
40	13	
41	14	
42	15	
43	16	
44	16	
45	24	Pg. 2, lines 13-14
46	25	Pg. 16, lines 7-9
47	26	Pg. 17, lines 16-17
48		Pg. 17, lines 16-20
49		Pg. 18, lines 12-13

New Claims	Correspondence to old claims	Support in specification (for claims 45-61 which were not in claims as filed)
50-61		Pg. 26, lines 8-13

Applicants submit that the new claim recitations are not narrowing, and are not required for a substantial reason related to patentability. The prior indication of allowability of these claims confirms that they met the statutory conditions and requirement for patentability. The present amendments merely rewrite in clearer language subject matter that was novel, unobvious, definite, and fully supported under 35 U.S.C. § 112, first paragraph and clear as to substantive metes and bounds under 35 U.S.C. § 112, second paragraph.

New claims 50-61 are directed to a method of using a cell that expresses a novel hER β as a result of comprising a DNA vector of the invention. To the extent that the nucleic acid, vector and cell line compositions of matter are novel and nonobvious, the methods of using these composition in a biotechnological process of screening for ligands is also novel and nonobvious. 35 U.S.C. § 103(b)(1)(A).¹ Thus, new claims 50-61 are directed to a method of using a product produced by a process of genetically altering an organism to express an exogenous nucleotide sequence. 35

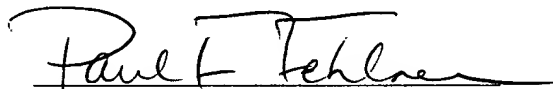
¹The composition of matter and process were owned by the same person or subject to an obligation of assignment to the same person at the time they were invented. 35 U.S.C. § 103(b)(1)(B).

U.S.C. §103(b)(3)(A) and (C). Accordingly, these claims should be considered in the same application as that claiming the products.

Applicants submit herewith a further Supplemental Information Statement. None of the cited references are prior art given the priority enjoyed by the present claims.

In view of the above amendments and remarks, all of the pending claims are now believed to be in condition for allowance. Allowance of the claims is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul F. Fehlner", written over a horizontal line.

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